

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

LYNN M. LANE,)	
)	
Plaintiff,)	Civil Action No. 1:12-cv-191
)	
v.)	Collier / Carter
)	
NATIONWIDE MUTUAL FIRE)	
INSURANCE COMPANY,)	
)	
Defendant.)	

PLAINTIFF’S MOTION TO AMEND COMPLAINT AND SCHEDULING ORDER

Plaintiff Lynn Lane moves under Federal Rules of Civil Procedure 15 and 16 for leave of Court to amend her Complaint to assert new claims for negligent and intentional infliction of emotional distress. Plaintiff further requests that this Court amend its scheduling order to permit the Parties to conduct discovery concerning these new claims and also allow Plaintiff time to obtain professional medical treatment for the emotional trauma caused by Defendant Nationwide Mutual Fire Insurance Company’s (“Defendant”) conduct.

This case began as a breach of an insurance contract, bad faith denial and Tennessee Consumer Protection Act claim arising from a covered, insurable event. Plaintiff purchased a homeowner’s policy for her residence in Chattanooga, TN from Defendant. Two separate storms struck the home rendering it uninhabitable. Defendant retained control over the premises for over a year, but failed to repair the damage and failed to reimburse Plaintiff for covered expenses. Plaintiff sued Defendant for its breaches and misrepresentations in connection with its sale of the policy, claims handling activities and “work” on the premises.

After filing suit, Defendant repeatedly threatened to cancel Plaintiff's homeowner's policy, knowing that the home was uninsurable and that such threats were adversely affecting Plaintiff's physical and mental wellbeing. After being threatened with cancellation on at least four separate instances after suit was filed, Plaintiff suffered an emotional break and is seeking professional medical treatment in connection with the Defendant's conduct.

Plaintiff seeks to amend her Complaint to raise new causes of action arising from Defendant's conduct. The parties have diligently pursued discovery in this matter, and complied with every deadline to date. Amendment should be granted.

In support of this Motion, Plaintiff submits the accompanying Memorandum of Law and the following exhibits:

Exhibit 1: Photograph of Lane Residence;

Exhibit 2: (Collective): Cancellation Notices from Nationwide to Plaintiff and Related Communications; and

Exhibit 3: Proposed First Amended Complaint.

Respectfully submitted,

CHAMBLISS, BAHNER & STOPHEL, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been served via the Electronic Case Filing system of the United States District Court for the Eastern District of Tennessee, which will automatically send email notification of such filing to the following attorneys of record:

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